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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 E.K. WADE, } No. C 08-00001 MJJ
 13 Plaintiff, } No. C 08-00021 MEJ
 14 v. }
 15 ELAINE CHAO, SECRETARY OF }
 LABOR, ET AL. }
 16 Defendant. }
 17 }
 18 _____ }

**ADMINISTRATIVE MOTION TO
 CONSOLIDATE CASES AND
 [PROPOSED] ORDER**

19 On December 28, 2007, this Court dismissed the action of *E.K. Wade v. Elaine Chao*, 06-
 20 4725 MJJ and gave plaintiff leave to file a new complaint. On January 2, 2008, Plaintiff filed the
 21 new complaint *E.K. Wade v. Elaine Chao, et al.*, CV-08-00001 PJH. On January 17, 2008 the
 court issued an order reassigning case No. CV-08-00001 PJH to the Honorable Martin Jenkins.

22 However, on January 3, 2008, Plaintiff also filed the new complaint *E.K. Wade v. Elaine*
Chao et al., CV-08-0021 MEJ. Because both complaints (CV-08-00001 and CV-08-00021)
 23 involve the same parties, facts and circumstances, and because this Court has previously ordered
 24 that all actions against the Secretary of Labor be consolidated into one complaint,
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1 the Federal Defendants request the Court to order plaintiff to consolidate all allegations against
2 *Elaine Chao et al.* into a single Fifth Amended Complaint.

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4 Respectfully submitted,

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6 JOSEPH P. RUSSONIELLO
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8 United States Attorney

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10 /s/

11 Dated: February 4, 2008

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13 MELISSA K. BROWN
14 Assistant United States Attorney

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17 ORDER

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20 The Court, having considered the briefing of the parties, orders that plaintiff's complaint
21 for damages filed on January 3, 2008 – be consolidated into plaintiff's Fifth Amended Complaint
22 to be filed in the C 08-00001 MJJ case. Once the complaints have been consolidated, plaintiff
23 shall dismiss the C 08-00021 MEJ complaint with prejudice. The United States Attorney's Office
24 will accept service of the new complaint and will file a responsive pleading within 60 days of
25 service of the new complaint.

26 DATED: _____

27
28 HONORABLE MARTIN J. JENKINS
U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

ADMINISTRATIVE MOTION TO CONSOLIDATE CASES

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

PERSONAL SERVICE (BY MESSENGER)

FEDERAL EXPRESS

FACSIMILE (FAX) Telephone No.: See Below

to the party(ies) addressed as follows:

E.K. Wade
542 North Civic Drive, Apt. D
Walnut Creek, CA 94597

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 4, 2008 at San Francisco, California.

MANIK BOWIE /s/
Legal Assistant